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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,440	09/25/2003	Anna Mautson	1517-1027-1	4237
466	7590	06/28/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			MUSSEY, BARBARA J	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,440

Applicant(s)

MANSSON ET AL.

Examiner

Barbara J. Musser

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 13-25 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the restriction in the reply filed on 5/11/05 is acknowledged. The traversal is on the ground(s) that claim 26(article) is exactly coextensive with claim 13(method) and is indivisible therefrom as it is an article formed by the method of claim 13. This is not found persuasive because in U.S. practice, the product by process claims are merely product claims which could be made by a materially different process such as gluing all three layers together at the same time. With product by process claims, applicant has the burden to show that the unique product of the product by process claims can only be made using the specified process.

The requirement is still deemed proper and is therefore made FINAL.

Applicant's new method claim, claim 26, has been grouped with the elected method claims and will be examined, while the additional product claim, claim 27, has been grouped with the nonelected product claims and therefore will not be examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Andersson et al.(U.S. Publication 2003,0198788)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Andersson et al. discloses joining three webs together by applying a patterned adhesive using a patterned adhesive roller to a first web, and applying a second web to the first.(paragraph [0037]). A third web can be applied to the first two using a patterned adhesive transfer roller, the adhesive patterns being applied so that the adhesive droplets are opposite each other.[paragraphs [0057], [0061]]

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-8, 11, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeft et al.(U.S. Patent 6,551,691) in view of Thomas(U.S. Patent 3,650,882).

Hoeft et al. discloses forming a multi-ply web by pressing two webs together at raised locations, applying adhesive to the outside of one of the webs at spaced locations using a patterned adhesive roller, applying a third web to the first two, and bonding all three together via the adhesive at the raised location the first two webs are contacting at.(Figure 2; Col. 7, ll. 60-64) The reference does not disclose applying adhesive to one of the first two webs to join them together prior to application of the third web, though it does indicate that adhesive can be applied to both sides of the center web to bond the laminate together rather than using one adhesive roller.(Col. 8, ll. 8-10) Thomas discloses forming a multi-layer laminate by applying adhesive to two webs and then joining all three webs together so the adhesive droplets are opposite each other.(Figure 8) It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a patterned adhesive applicator in Hoeft et al. to bond the first two webs together before they contact the third web since Hoeft et al. indicates that adhesive can be applied to either side of the center web to bond all three layers together(Col. 8, ll. 8-10) and since Thomas discloses how adhesive can be applied to two different webs to both three webs together.(Figures 1 and 8)

Regarding claim 2, Hoeft et al. discloses only one lamination roller(22) after the second glue transfer roll since roll (20) is not a lamination roller.

Regarding claim 5,Hoeft et al. discloses that webs 2 and 3 are patterned in a three-dimensional pattern prior to lamination.(Figure 2)

Regarding claim 6, substantially all the adhesive sites on the third web are lined up with those of the joining the first and second webs since Hoeft et al. discloses

bonding the webs together only at the points where all three webs contact each other.(Figure 1)

Regarding claims 7 and 8, these appear to be well-known and conventional ranges for the size of the adhesive drop and the number of adhesive locations, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use any well-known and conventional ranges for the size of the adhesive drops and the number of drops in an area since they are well-known and conventional. It is noted that the upper range for the size of the drops is over 1 centimeter across, clearly encompassing the well-known drop sizes of multi-layer webs since such conventional materials nearly have drop sizes that large.

Regarding claim 11, Hoeft et al. discloses the adhesive can be dyed to form a pattern.(Col. 8, ll. 50-52) One in the art would appreciate that since the two adhesives applied would be applied on the same locations, multiple applications of a colored adhesive would not be necessary. It would have been obvious to one of ordinary skill in the art at the time the invention was made to dye one of the sets of adhesive drops applied so that a pattern can be seen in the web as taught by Hoeft et al.(Col. 8, ll. 50-54) and not to dye the other since the addition of a dye would render the adhesive more expensive and since the adhesive drops lie on top of each other, only one would need to be colored.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Kudo et al.(U.S. Patent 6,802,932).

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The references cited above do not disclose a lamination roller being associated with each adhesive transfer roller. Kudo et al. discloses that when bonding multiple layers together, it is known in the art to apply the adhesive to a layer, laminate another layer to it, and then apply adhesive to the combination and laminate all the layers together.(Figure 3) It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a lamination roller after the adhesive application in the combination of Hoeft et al. and Thomas since it is known in the art to laminate layers together using a lamination roller after each layer is added as shown for example by Kudo et al.(Figure 3)

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Ruppel et al.(U.S. Patent 5,382,464).

The references cited above do not disclose the adhesive patterns being different for the two different adhesive applications. Ruppel et al. discloses forming a multi-layer web wherein one side is bonded to the center web more often than the other side.(Figure 3) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use different adhesive patterns in the two adhesive application steps so that the center web can be bonded to one of the side webs more often than it is bonded to the other since this would provide higher mechanical strength to the web since bonding is provided between different plies.(Col. 1, ll. 67- Col. 2, ll. 2)

Regarding claim 10, since Hoeft et al. discloses the adhesive can be colored to provide a pattern, one in the art would appreciate that the embossments which contain the adhesive locations form a pattern.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Schulz(U.S. Patent 4,325,768).

The reference cited above do not disclose an additional embossing step after lamination of the webs. Schulz discloses embossing a multi-layer laminate after lamination of the webs.(Figure 1) This lamination improves softness since it combines closely spaced embossments like those of Hoeft et al. with less closely spaced spot embossments.(Col. 1, ll. 51-56) It would have been obvious to one of ordinary skill in the art at the time the invention was made to emboss the multi-layer web after lamination since this would combine the closely spaced embossments of Hoeft et al. and Thomas with relatively large further apart embossments improving the softness and bulk of the web.(Col. 1, ll. 51-56)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BJM



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